THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26800 of 2006

Dated: 26.12.2006

Between:

Kalavapudi Venkatachari.

..... PETITIONER

AND

The Government of Andhra Pradesh, rep. by its Secretary,
Hyderabad, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.26800 of 2006

ORDER:

The petitioner is allegedly owner of plot No.224-B admeasuring 254.17 sq. yards in survey Nos.53/3, 54/3, 54/4 and 55/2 situated at Pothinamallayyapalem of Visakhapatnam Rural Mandal in Visakhapatnam District, having purchased the same from Y. Satyanarayana under a registered sale deed dated 01.11.2004. He, intending to sell the land to one Vudumudi Sobhakumari, received a part of sale consideration, and on 26.10.2006 entered into an agreement with her. When the document was presented before the second respondent, he refused to receive and register the same. Aggrieved by the same, instant writ petition is filed.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General-A). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 and 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004 dated 01.09.2004.

Following the above, this writ petition is disposed of directing respondent No.2 or any other Registering Officer to accept the document presented by the petitioner and to consider the same for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioner has any grievance, they may file an appeal before the Appellate Authority i.e., District Registrar under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioner can file suit under Section 77 of the Act. No costs.

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(**V.V.S.RAO, J**)

26th December, 2006

ghn